UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,609	06/22/2001	Adam G. Wolff	14531.80	7369

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EXAMINER
PESIN, BORIS M

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

    A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 October 2004_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7 and 9-45_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-7 and 9-45_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 10/04/2004.

Claims 1-7, 9-45 are pending in this application. Claims 1, 18 and 23 are

independent claims. In the amendment filed 10/04/2004, claims 1, 12, 23, and 30 were

amended and claims 42-45 were added as new. This action is made Non-Final.

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1-7 and 9-45 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Knee et al. (US 5589892) in view of Proehl et al. (US 6690391).

In regards to claim 1, Knee teaches a computing system that includes a display

screen that is capable of displaying a variety of types of media, a method for providing

a dynamically controllable user interface that embraces the variety of types of media,

the method comprising the acts of: displaying a menu system on the display screen,

wherein the menu system includes first and second categories selectable by a viewer,

each of the first and second categories having corresponding subcategories (Figures 6

and 6A); displaying the first category at a selected location of the display screen

(Figure 6); displaying, with the second category, the subcategories corresponding to

the second category in a single horizontal line, such that all of the subcategories

corresponding to the second category can be accessed by horizontal scrolling of the

menu system and without requiring any vertical scrolling of the menu system, and
wherein the only subcategories displayed on the display screen at a given instant in
time are the one or more subcategories corresponding to a category displayed at the
selected position on the display screen at the given instant in time (Figure 6, Element
61). Knee does not teach a computing system wherein in response to receiving a
selection of the second category by the viewer, automatically replacing the first
category with the second category at the selected position of the display screen.
Proehl teaches, "Manipulating the scroll cylinder of the remote commander to scroll up
or down through the list causes the data to move through the stationery cursor located
over the highlighted Track Field 110 of status bar 102." (Column 8, Line 44). It would
have been obvious to one of ordinary skill in the art at the time of the invention to
modify Knee with the teachings of Proehl and include a stationary pointer with the
motivation to minimize cursor and eye movement distances.

In regards to claim 2, Knee teaches a method wherein the act of displaying the
first category is performed by a preset, default setting (i.e. "When the user first enters
the MENU mode, the system defaults to selection of the program schedule
bar."(Column 17, Line 58).

In regards to claim 3, Knee teaches a method wherein the act of displaying the
first category is performed upon receipt of a first input command, wherein the first input
command is received prior to the input command corresponding to the selection of the
second category by the viewer (i.e. "When the user first enters the MENU mode, the
system defaults to selection of the program schedule bar."(Column 17, Line 58)

In regards to claim 4, Knee teaches a method for having first and second categories in a hierarchical order (i.e. Figure 6A).

In regards to claim 5, Knee teaches a method wherein the first category corresponds to a first type of media and the second category corresponds to a second type of media, and wherein the first type of media is different from the second type of media (Figure 6A, Elements 63 and 61).

In regards to claim 6, Knee teaches a method wherein the first type of media includes television programming, and wherein the second type of media includes a web page (Figure 6A, Elements 63 and 61).

In regards to claim 7, Knee teaches a method wherein the act of displaying the first category includes displaying one or more subcategories corresponding to the first category (Figure 6A, Element 63).

In regards to claim 9, Knee teaches a method wherein the first category corresponds to first type of media (Figure 6A, Element 63).

In regards to claim 10, Knee teaches a method wherein one of the one or more subcategories corresponding to the first category includes a selectable option that performs a function specific to the first type of media (Figure 6A, Element 160).

In regards to claim 11, Knee teaches a method wherein one do the one or more subcategories corresponding to the first category includes a selectable option that initiates an application corresponding to a third type of media (Figure 6A, Element 162).

In regards to claim 12, Knee teaches a method further comprising the act of displaying the first type of media in a background display of the display screen, the

menu system is displayed in a foreground display of the display screen and the selected

position remains constant, and such that the menu system overlays at least a portion of

the first type of media being displayed in the background display (Figures 11 and 12).

In regards to claim 13, Knee and Proehl teaches a method wherein the act of

automatically replacing includes replacing a display of the one or more subcategories

corresponding to the first category with a display of one or more subcategories

corresponding to the second category within the selected position (Proehl, Figures 7

and 8).

In regards to claim 14, Knee teaches a method wherein the second category

corresponds to a second type of media (Figure 6, Element 61).

In regards to claim 15, Knee teaches a method wherein one of the one or more

subcategories corresponding to the second category includes a selectable option that

performs a function specific to the second type of media (Figure 6, Element 65A).

In regards to claim 16, Knee teaches a method wherein one do the one or more

subcategories corresponding to the second category includes a selectable option that

initiates an application corresponding to a third type of media (Figure 6, Element 65C).

In regards to claim 17, Knee and Proehl teach all the limitations of claim 14.

Proehl further teaches a method further comprising the act of displaying the first type of

media in a background display of the display screen the menu system is displayed in a

foreground display of the display screen and the selected position remains constant

(Proehl, Figure 12).

Claim 18 is in the same scope as claim 1; therefore it is rejected under similar rationale.

In regards to claim 19, Knee teaches menus system wherein the plurality of categories includes a first category specific to programming (Figure 6A, Element 61), as second category specific to the Internet (Figure 6A, Element 64), and a third category to electronic communication (Figure 6A, Element 63).

In regards to claim 20, Knee teaches a wherein the subcategories corresponding to the first, second and third categories respectively allow a user to launch a function to modify a display of programming (Figure 6A, Element 61), modify a display of a web page (Figure 6A, Element 64) and participate in electronic communication (Figure 6A, Element 63).

In regards to claim 21, Knee teaches all the limitations of claim 20. Knee further teaches a menu system wherein subcategories corresponding to the third category allows a user to participate in electronic communication while at least one of programming or a web page is displayed on the display screen (Figure 38B).

In regards to claim 22, Knee teaches a menu system wherein at least one of the subcategories launches an application that provides current information on a selectable topic (Figure 34).

Claim 23 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 24 is in the same context as claim 19; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 20; therefore it is rejected under similar

rationale.

Claim 26 is in the same context as claim 21; therefore it is rejected under similar

rationale.

Claim 27 is in the same context as claim 1; therefore it is rejected under similar

rationale.

Claim 28 is in the same context as claim 2; therefore it is rejected under similar

rationale.

Claim 29 is in the same context as claim 3; therefore it is rejected under similar

rationale.

In regards to claim 30, Knee teaches a computer program product comprising

executable code for implementing the act of displaying the menu system in a foreground

display of the display screen while displaying a type of media in a background display of

the display screen, and such that the menu system overlays at least a portion of the first

type of media being displayed in the background display (Figures 11 and 12).

In regards to claim 31, Knee and Proehl teach a product wherein the first and

second categories include selectable subcategories, wherein at least one of the

selectable subcategories corresponds to launching an application independent of the

type of media displayed in the background display of the display screen (Figure 6A).

In regards to claim 32, Knee teaches a method wherein the first category

corresponds to a first type of media that is displayable on the display screen and

wherein the second category includes options that correspond to a second type of media that is displayable on the display screen (Figure 6A).

In regards to claim 33, Knee teaches a method as recited in claim 1, wherein upon replacing the first category with the second category the method further includes displaying the first category with the second category (Figure 6A).

In regards to claim 34, Knee teaches a method as recited in claim 1, wherein every subcategory associated with the second category is displayed by the menu system within the display screen at the same time (Figure 6A).

In regards to claim 35, Knee teaches a method as recited in claim 1, wherein the subcategories corresponding to the fist category are different than the subcategories corresponding to the second category (Figure 6A).

In regards to claim 36, Knee and Proehl do not specifically teach a method as recited in claim 35, wherein none of the subcategories corresponding to the first category are the same as the subcategories corresponding to the second. Official notice is given that it is well known in the art to have same sub-categories for different categories. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Knee and Proehl and include same categories with the motivation to provide the user with numerous ways of accessing data to increase efficiency.

In regards to claim 37, Knee and Proehl do not specifically teach a method as recited in claim 1, wherein horizontal scrolling includes moving the display of at least some subcategories horizontally on the display screen. Official notice is given that it is

well known in the art to have horizontally scrolling menu systems. It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Knee and

Proehl and include horizontally scrolling menu systems with the motivation to provide

the user with greater selection of choices.

Claim 38 is in similar scope to claim 34; therefore it is rejected under similar

rationale.

Claim 39 is in similar scope to claim 35; therefore it is rejected under similar

rationale.

Claim 40 is in similar scope to claim 36; therefore it is rejected under similar

rationale.

Claim 41 is in similar scope to claim 37; therefore it is rejected under similar

rationale.

In regards to claim 42, Knee teaches a method as recited in claim 1, wherein one

of the subcategories comprises a selectable program listing option that when selected,

causes an electronic program guide listing to be displayed, the electronic program guide

listing comprising a listing of programming by program channel and program time

(Figure 11).

In regards to claim 43, Knee and Proehl do not teach a method as recited in

claim 42, wherein the selectable program listing option, when selected, further causes

the electronic program guide listing to be displayed at the same time that current

programming is displayed and in a reduced size frame. Official notice is given that it is

well known in the art to reduce the size of the frame and display it with the EPG. It

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Knee and Proehl and include a reduced size frame with the motivation to provide

for more information on the screen without obscuring any important information.

In regards to claim 44, Knee teaches a method as recited in claim 42, wherein

the selectable program listing option, when selected, further causes the electronic

program guide listing to be displayed with information corresponding to only a single

channel and that overlaps currently displayed programming that is displayed in a

background that fills a full screen (Figure 11).

In regards to claim 45, Knee and Proehl do not teach a method as recited in

claim 1, wherein selection of one of the subcategories causes dimming of a currently

displayed program that is displayed simultaneously with the menu system. Official

notice is given that it is well known in the art to dim an object when another object is

selected. It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Knee and Proehl and dim the object that is not selected with the

motivation to provide the user with a better indication of the object that is in focus.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 9-45 have been considered

but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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